



## TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

APPROVED

### Board of Selectmen Meeting Minutes

Monday, February 11, 2013 at 6:00 P.M. Community Room, Town Offices, 25 Bryant Lane

Members Present: Selectman Rick Reault, Selectman Robert Jackson, Selectman Corliss Lambert, Selectwoman Karyn Puleo, Selectman Allen Curseaden

Staff Present: Town Administrator Michael Gilleberto, Assist Town Administrator Nina Nazarian, and Admin Assistant Therese Gay

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law. "Chairman Jackson read the following: "The following meeting is being recorded and broadcast through our local cable access channels on Comcast and Verizon FIOS. A recording of this meeting will also be available for viewing on our town's website - tyngsboroughma dot gov. Also, after instruction from the State Fire Marshall and the Tyngsborough Fire Chief, in the event of an emergency, there is an exit to my left and directly across from me, along the back wall."

#### **1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda**

The Chairman opened the meeting at 6:00 PM. The Pledge of Allegiance was recited. The Agenda was read by Rick Reault, Clerk. The Board was introduced.

#### **2. Meeting Minutes to Approve**

A. Monday January 14, 2013

Approval deferred to Monday February 25, 2013

B. Monday January 28, 2013

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to approve the Minutes of Monday January 28, 2013.

#### **C. Executive Session Minutes to approve but not Release**

1. Monday January 14, 2013

2. Monday January 28, 2013

Approval deferred to Monday February 25, 2013

#### **3. Citizen/Business Time - No came forward.**

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

#### **4. Old Business**

A. Recreation Center Billboard - Status Update

The Administrator and the Recreation Director as walked the proposed site of the billboard at the rear of the Recreation Center property with the Conservation Agent and the Building Commissioner. A draft RFP is under development and we are scheduled to meet with the MassDoT Office of Outdoor Advertising on Wednesday, February 20, 2013 at the Transportation Building in Boston.

**B. GLTHS School Committee composition – Status Update**

The Administrator has sent a letter to Selectmen Chairmen of Dracut and Dunstable concerning the GLVTHS School Committee. The letter proposes a meeting amongst the Board of Selectman Chairmen, Town Counsel, and appropriate Town staff to discuss this matter.

**C. First Parish Church – Status Update**

The Chairman and the Administrator are scheduled to meet with a representative of the First Parish Church on Wednesday, February 20<sup>th</sup> at 5:00 P.M.

**D. Adams Barn – Discussion**

Discussions on the Adams Barn renovations has been deferred to Monday February 25, 2013 meeting.

**5. New Business**

**A. Farmers' Market – Approve Location on Town Property and Schedule Special Permit Hearing**

The Representative from the Farmer's Market was unable to attend this evening's meeting for the discussions on the relocation request. The Board deferred the discussions to Monday February 25, 2013 by.

**B. Building Department Software – Approve Contract**

The Administrator has procured a contract for services from Point Software for the Building Department permitting system. The start-up costs and the first year of this agreement are funded by the October 2012 Special Town Meeting appropriation. Years 2 and 3 are to be funded from the Information Technology budget. The software is necessary due to the fragile condition of the antiquated existing software, and the need for this system to communicate with existing systems in the Town Offices.

**C. Surplus Vehicles – Approve for Disposition**

The Board received a request for a vote to declare a list of approximately 15 vehicles to declare as surplus and to place on an on-line auction by a state approve third party.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Curseaden to approve the list of surplus motor vehicles for disposition.

**D. FY 2014 Budget Reviews and Discussion**

The Administrator presented to the Board the operating budgets requests that include service level changes. The Fire Chief was in attendance and gave the Board a brief overview of what his department needed and how the call firefighters are will help with coverage 24/7 for weekends. The Board supports the Fire Chief's plans as presented. Other departments that have changes in their level service are the Highway Dept. because of the weekend snowstorm the Highway Senior Foreman was not available this evening, the Senior Foreman is looking for an additional position, seasonal help, and Police Details. The ZBA for engineering support, Forestry due to the increase in Dutch Elm disease and for Police Details when needed. And funding for Engineering support for the acceptance of Roads. The Board want to give the Deputy a chance to work with the budget before presenting. The Planning Board and the Library are elected boards and are asking for a change in their level service.

**E. Annual/Special Town Meeting and Election – Discuss/Set Schedule**

The Board received a memo from the Town Clerk on moving the Town Election date to the same date as the Special Election date announced by the Governor. The Town Clerk attended the Board meeting to petition the Board for the date change. The Governor has scheduled the Special Elections to be held on April 30<sup>th</sup> and June 25<sup>th</sup>. The Legislature has approved a bill that allows Towns to change the date of the local election if it is scheduled within thirty days of either the Primary or General Election. Our election is scheduled for the 14<sup>th</sup> of May well within the thirty day window. It requires a vote of the Board after consultation with the Town Clerk, and the vote must take place at least thirty-five days before the rescheduled election. The Special Elections are not budgeted; there is a financial benefit to holding the Town election on the 30<sup>th</sup>. The savings is approximately \$5,500 in poll worker and police details. There is also a possibility that the State will reimburse the Cities and Towns as they did for the 2009-2010 Special Elections.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to move the Town's local election date from May 14<sup>th</sup> to April 30<sup>th</sup> to coincide with the State Primary Election, and to sign the Election Warrant on April 23<sup>rd</sup>.

**F. Old Town Hall – Approve Construction Contract**

Selectman Reault gave a brief synopsis of the work of the Old Town Hall Project Committee has done up to this point and now all that is needed is to approve the signing of the contract. The Board thanked Selectman Reault and his committee for their effort in the restoration of the Old Town Hall. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to authorize the Town Administrator to sign the contract with Meadows Construction, Corp.

**G. Short-Term Debt – Approve Borrowing**

The Treasurer attended the meeting to ask the Board to approve the re-issuance of the Town's \$916,000 General Obligation BAN. With the principal pay downs of \$35,500 a sum of \$880,000 will remain to be re-issued which will be in the form of a 6 month State House Serial Loan Note. The Note will be awarded on the basis of lowest net cost to the Town in multiples of one-hundredth of one percent.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Curseaden to approve the short term borrowing as presented.

**H. Snow/Ice Removal Budget: request to exceed appropriation**

The Board received a request from the Highway Senior Foreman for additional funds totaling \$50,000.00 for payment of outstanding bills and bills that will accrue from the snow removal from the impending storm.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve the an additional \$50,000.00 to the Snow Removal Account in accordance with Chapter 44, section 31D, Massachusetts General Laws we the Board of Selectmen, and we the Finance Committee, do hereby authorize the Town Accountant to issue warrants and the Town Treasurer to pay such warrants in excess of funds for snow and ice removal, such warrants not to exceed \$50,000.00. Expenditures made under this authority shall be certified to the Board of Assessors and included in the next annual tax rate.

The Board took a five minute recess – 7:30 PM.

**6. 7:30 PM Tri-Board Meeting (with Finance Committee and School Committee)**

The Board returned to session – 7:50 PM

The Finance Committee voted 4-0-0 on a motion by Member Wickens, second by Member Hammer to come into session. Members present: Member Mullin, Member Hammer, Member Geyer and Member Wickens, Absent: Member Mellen.

School Committee Members Present: Member Buchman, Member Mitchell, and Member Derosiers, School Superintendent Ciampa, and Finance Manager Joe Messina.

**A. Senator Eileen Donoghue and Representative Colleen Garry**

The Senator and Representative were invited to attend the Tri-Board meeting to discuss with the Board and Committees on the FY2014 revenues. The Governor has given his numbers, the Senate will be meeting at the end of May and the House Ways and Means will be meeting in April. There was a question and answer session: some of the topics were on Special Education, the Technical School Assessment, the Cherry Sheet, and the Quinn Bill. Senator Donoghue and Representative Garry will keep in contact with Board with the many priorities outlined this evening. The Board thanked Senator Donoghue and Representative Garry for coming this evening.

Finance Committee Member Mellen joined the Tri-board discussions at 9:00 PM.

**B. Review of First Draft FY 2014 Budget Revenue Worksheet**

The Town Administrator distributed and presented the first draft of the FY 2014 revenue budget worksheet. The data from the Governor's proposed budget is included in this draft. The Administrator's reviewed his notes regarding the estimates used in the draft.

**C. Finalize Legislative Priorities**

The Administrator reviewed the Boards Legislative Priorities, these priorities were forward to the Senator and Representative.

Tri-Board ended at 9:15 P.M.

With the Tri-Board discussion ending, Finance Committee voted 5-0-0 on a motion by Member Wickens, second by Member Hammer to adjourn their meeting. Finance Committee adjourned at 9:15 P.M.

**D. School Committee items**

**1. Elementary School cable and internet repairs**

The Board discussed the request from the School Department to use the Cable Television Related License revenue to pay for the necessary upgrades for public cable broadcasting from Tyngsborough Elementary School. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to support the School Committee's request for the use of the cable franchise funds to update network switching in the Elementary School this work would be concurrent with cable/video improvements intended to improve the quality of Town Meeting broadcasts, this appropriation not to exceed \$25,000.00, and the Board voted to improve the technology infrastructure and video/cable production capabilities at the Tyngsborough Elementary School located at 205 Westford Road, this appropriation not to exceed \$50,000.00.

**7. Citizen/Business Time - No one came forward.**

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

**8. Correspondence**

A list of correspondence will be included with approved meeting minutes per the requirements of the Massachusetts Open Meeting Law and may be posted online at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov). Copies of correspondence may be requested from the Office of the Board of Selectmen.

**A. Action**

**1. Action – Set Hearing Dates**

**1. Request for License Transfer – Café Il Cipro, 130 Middlesex Road**

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Curseaden to set hearing date for the request for license transfer to Monday February 25, 2013.

**2. Request for Manager Change – Olive Garden Italian Rest. 422 Middlesex Road.**

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to set the date for the manager change request to Monday February 25, 2013.

**3. Request for Common Victualler License – The Pines, 194 Frost Road (new owner)**

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Curseaden to set the date for a common victualler license request to Monday February 25, 2013.

**B. Informational**

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to accept the correspondence as read.

**9. Review of Weekly Warrants**

The Town Administrator read the weekly warrant as follows: Warrant # 33B for \$1,620,684.09 on 2/11/2013; Warrant # 33S for \$122,995.58 on 2/11/2013; Warrant #33P for \$840,893.66; Warrant #32B for \$235,896.67 on 2/4/2013.

**10. Town Administrator's Reports**

**• Response to Selectmen's Requests**

Attached is a copy of the recent correspondence with Ms. Kalergis concerning her BYOB request. Attached is a copy of the executed property easement for the Griffin property.

The Fire Chief and I have spoken on the BLS ambulance contract. He would like to come before the Board with additional information in hand concerning alternatives for the Town to consider. The

Fire Chief and I will be meeting with representatives of Trinity on Wednesday to discuss Town-contractor communication and response protocol.

- **Budget**

The current 2014 revenue worksheet has been submitted for Tri-Board deliberations under a separate cover.

A draft of the Selectmen and other departmental budgets has been submitted for the Board's review under a separate cover.

- **Departmental Information**

Attached is a copy of an agenda for a recent meeting between the Council on Aging and the Police Department, concerning the assignment of an elder affairs officer.

- **Contracting/Procurement**

The Old Town Hall contract is available under separate cover.

- **Other**

There are copies of a recent correspondence with a resident concerning a wetland issue, item was forwarded to the Conservation Commission and correspondence with a resident with a tax rate question.

### **11. Selectmen's Reports**

The Selectmen had no reports this evening. Selectwoman Puleo thanked everyone for the work this past weekend. Selectman Reault asked that everyone recycle is an important cost saving effort.

### **12. Executive Session (if needed)**

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to enter into Executive Session to discuss for the following :

- A. Exemption Two – To conduct strategy sessions in preparation for negotiations with nonunion personnel or conduct contract negotiations with nonunion personnel – Police Chief benefits
- B. Exemption Three – To discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining of the public body and the chair so declares – Mid-Managers Union
- C. Exemption Seven - To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements – MGL Ch. 214 Sec. 1B

and to exit Executive Session and to adjourn. Roll Call Vote: Selectman Rick Reault, yes; Selectman Robert Jackson, yes; Selectwoman Karyn Puleo, yes; Selectman Corliss Lambert, yes, Selectman Allen Curseaden, yes.

The Board entered into Executive Session at 9:35 PM.

### **13. Adjournment**

The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectwoman Puleo to adjourn the meeting. The Board exited the Executive Session and adjourned the meeting at 10:25 P.M.

Respectfully submitted

Approved on Monday, March 11, 2013

Therese Gay  
Admin Assistant







## TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

### Board of Selectmen Meeting Notice

Monday, February 11, 2013 at 6:00 P.M.

Community Room, Town Offices, 25 Bryant Lane

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law.

#### **1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda**

#### **2. Meeting Minutes to Approve**

A. Monday January 14, 2013

B. Monday January 28, 2013

#### **C. Executive Session Minutes to approve but not Release**

1. Monday January 14, 2013

2. Monday January 28, 2013

#### **3. Citizen/Business Time**

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

#### **4. Old Business**

- A. Recreation Center Billboard – Status Update
- B. GLTHS School Committee composition – Status Update
- C. First Parish Church – Status Update
- D. Adams Barn - Discussion

#### **5. New Business**

- A. Farmers' Market – Approve Location on Town Property and Schedule Special Permit Hearing
- B. Building Department Software – Approve Contract
- C. Surplus Vehicles – Approve for Disposition
- D. FY 2014 Budget Reviews and Discussion
- E. Annual/Special Town Meeting and Election – Discuss/Set Schedule
- F. Old Town Hall – Approve Construction Contract
- G. Short-Term Debt – Approve Borrowing
- H. Snow/Ice Removal Budget: request to exceed appropriation

#### **6. 7:30 PM Tri-Board Meeting (with Finance Committee and School Committee)**

- A. Senator Eileen Donoghue and Representative Colleen Garry
- B. Review of First Draft FY 2014 Budget Revenue Worksheet
- C. Finalize Legislative Priorities
- D. School Committee items
  - 1. Elementary School cable and internet repairs

## **7. Citizen/Business Time**

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

## **8. Correspondence**

A list of correspondence will be included with approved meeting minutes per the requirements of the Massachusetts Open Meeting Law and may be posted online at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov). Copies of correspondence may be requested from the Office of the Board of Selectmen.

### **A. Action**

#### **1. Action – Set Hearing Dates**

1. Request for License Transfer – Café Il Ciproso, 130 Middlesex Road
2. Request for Manager Change – Olive Garden Italian Rest. 422 Middlesex Road.
3. Request for Common Victualler License – The Pines, 194 Frost Road(new owner)

### **B. Informational**

## **9. Review of Weekly Warrants**

## **10. Town Administrator's Reports**

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

## **11. Selectmen's Reports**

## **12. Executive Session (if needed)**

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- A. Exemption Two – To conduct strategy sessions in preparation for negotiations with nonunion personnel or conduct contract negotiations with nonunion personnel – Police Chief benefits
- B. Exemption Three – To discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining of the public body and the chair so declares – Mid-Managers Union and Clerical Union
- C. Exemption Seven - To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements – MGL Ch. 214 Sec. 1B

## **13. Adjournment**

## **Future Meetings**

**\*\*\*Town Offices closed Monday, February 18, 2013 in observance of President's Day Holiday  
Monday, February 25, 2013 at 6:00 PM at the Town Offices**